MONTANA LEGISLATIVE HISTORY

Chapter 244 1975

Bill H 638 S _____ Original bill & history ____C

H. Committee on Local Government			S. Committee on Local Government		
Hearing Date(s)	Feb 14	✓ C	Hearing Date(s)	Mar 19	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Feb 14	✓ C		Mar 19	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 638

INTRODUCED BY Ellis Johnson Kemmis Bertelsen Boothmis

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 69-2105, R.C.M. 1947, TO ALLOW FOR INCLUSION OF URBAN SUBDIVISIONS, URBAN ZONING DISTRICTS AND URBAN ZONING CLASSIFICATIONS INTO THE JURISDICTIONAL AREA COVERED BY THE EXTENSION OF MUNICIPAL BUILDING CODES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-2105, R.C.M. 1947, is amended to read as follows:

"69-2105. Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Municipality" means any incorporated city or town and its jurisdictional area as defined by subsection (12) of this section.

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair inspection, or use of buildings and installation of equipment in

INTRODUCED BILL

buildings. The term does not include zoning ordinances.

(3) "Department" means the department of administration provided for in Title 82A, chapter 2.

(4) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates and similar documents, prescribed or required by state or local building regulations.

(5) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(6) "Building" means a combination of any materials, whether mobile, portable, or fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof."

(7) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumb-waiters, escalators, and other mechanical additions or installations.

(8) "Construction" means the original construction, and equipment of buildings, and requirements or standards relating to or affecting materials used including provisions for safety and sanitary conditions.

(9) "Owner" means the owner or owners of the premises or lesser estate, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm, or corporation, in control of a building.

(10) "Local legislative body" means the council or commission charged with governing the municipality.

(11) "State building code" means the state building code provided for in section 69-2111 or any portion of the code of limited application, and any of its modifications or amendments.

(12) "Municipal jurisdictional area" means the area within the limits of an incorporated municipality unless the area is extended at the written request of a municipality. Upon request the council may approve extension of the jurisdictional area to include: (a) all or part of the area within four and one-half (4 1/2) miles of the corporate limits of a municipality; (b) all of any platted subdivision which is partially within four and one-half (4 1/2) miles of the corporate limits of a municipality; and (c) all of any zoning district or zoning classification adopted pursuant to Title 16, chapter 41 or 47, R.C.M. 1947, which is partially within four and one-half (4 1/2) miles of the corporate limits of a municipality. Distances shall be measured in a straight line in a horizontal plane.

(13) "Public place" means any place which a municipality or state maintains for the use of the public, or a place where the public has a right to go and be.

(14) "Mobile home" means any dwelling unit larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location and any movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit.

(15) "Recreational vehicle" means any movable or portable dwelling primarily designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle and which is less than thirty-two (32) feet in length."

-End-

Saxby, Department of Administration, [illegible]
8, Page 12 and 13, and Section 2, Page 2, and suggested the committee look at both bills.

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HOUSE BILL 638: Rep. Ellis, chief sponsor, briefly explained the bill which amends Section 69-2105, RCM 1947, to allow for inclusion of urban subdivisions, and urban zoning district into the jurisdictional area covered by the extension of municipal building codes.

Proponent, Jim Richards, Intergovernmental Relations, spoke briefly and presented a short amendment - exhibit 2. H. S. Hanson, Montana Technical Council, signed a statement as being in support of House Bill 638.

The committee went into executive session to act on the following:

HOUSE BILL 653: It was moved by Rep. South, seconded by Rep. Kendall, that HB 653 DO NOT PASS. Motion carried unanimously.

HOUSE BILL 638: It was moved by Rep. Bertelsen, seconded by Robbins, that HB 638 be amended - exhibit 3. Motion carried unanimously. It was moved by Rep. Bertelsen, seconded by Robbins, that HB 638 DO PASS AS AMENDED. Motion carried. Voting NO were: Rep. Marks, Rep. Wyrick and Rep. Asher.

HOUSE BILL 595: It was moved by Rep. Kendall, seconded by Rep. Palmer to hold HB 595 until we find out about the Meloy bill. Motion carried unanimously.

WITNESS STATEMENT

Name Jim Richard Date 2/14

Address Helena Support ?

Representing IGP Oppose ?

Which Bill ? HB 638 Amend ?

Comments:

p. 1, l. 6 Delete "and urban zoning".

p. 1, l. 7. Delete "classification"

p. 3, l. 21 Delete "or zoning classification"

EXHIBIT 3

HOUSE BILL 638

Be amended in the introduced bill as follows:

1. Amend title, page 1, line 6 and 7.
   Following: "DISTRICTS"
   Strike: "AND URBAN ZONING CLASSIFICATIONS"

2. Amend page 3, section 1, subsection (12)(c), line 21.
   Following: "district"
   Strike: "or zoning classification"

Following: "of"
Strike: "July"
Insert: "January"

Seconded by Senator Goodover. Motion carried

Senator Story made a motion that HB 245 AS AMENDED, BE CONCURRED IN. Seconded by Senator Goodover. Motion carried.

House Bill 638: Senator Goodover made a motion that HB 638 BE CONCURRED IN. Seconded by Senator Thiessen. Motion carried.

House Bill 635: Senator Story made a motion that HB 635 be amended as follows:

Amend page 3, section 1, line 23.
Following: line 23
Insert: "(6) No elected official shall be subjected to procedures of this act more than once per term."
Seconded by Senator Thiessen. Motion carried.

Senator Thiessen made a motion that HB 635 be amended as follows:

Amend page 2, section 1, line 23.
Following: "shall"
Strike: lines 23 through line 1, page 3
Insert: "set a date for holding the election at the next regular primary or general election."
Seconded by Senator Goodover. Motion carried.

Senator Cetrone made a motion that HB 635 AS AMENDED,

of the Cooperative [illegible]
asking for an amendment to change date the term of office shall begin on from July to January 1. (Exhibit A)

Dr. Quickenden supported the bill also and left a state- to that effect. (Exhibit B)

Charles R. Meyer from the Mosquito Abatement Advisory Council testified in support of the bill and read a statement to the committee. (Exhibit C)

John Delano supported the bill on behalf of the Montana Railroad Association.

Senate Local Govt Comm.
3/19/75

There were no opponents.

The committee questioned the witnesses.

CONSIDERATION OF HOUSE BILL 638: Representative Ellis explained that his bill would allow urban subdivisions, zoning districts and classifications under the jurisdiction of the municipal building codes. He felt this would permit safer conditions in these areas. Rep. Ellis also pointed out that this would be at no cost to anyone. It is strictly permissive and the recipient of the inspection would pay for it.

There were no further proponents.

There were no opponents.

The committee questioned the witness.

STANDING COMMITTEE REPORT

March 19 19 75

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 638

Respectfully report as follows: That HOUSE Bill No. 638

BE CONCURRED IN

[illegible]

STATE PUB. CO.
Helena, Mont.

MILES ROMNEY
Chairman

SENATE COMMITTEE LOCAL GOVERNMENT

Date [illegible] Bill No. 658 Time [illegible]

NAME	YES	NO
V. E. CETRONE, VICE CHAIRMAN		
TERRY MURPHY	✓	
CORNIE R. THIESSEN		
ROBERT D. WATT	✓	
PAT M. GOODOVER	✓	
GEORGE McCALLUM		
PETER STORY	✓	
MILES ROMNEY, CHAIRMAN	✓	

HOUSE BILL NO. 638

INTRODUCED BY ELLIS, JOHNSON, KEMMIS, BERTELSEN, GUTHRIE

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REFERENCE BILL

for safety and sanitary conditions.

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-End-